

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PATRICK JOSEPH CHAREST, #182262

PLAINTIFF,

Vs.

ALABAMA PARDON & PAROLES, et. al.,

DEFENDANTS.

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2007 DEC -5 A 9:44

LEON H. HACKETT  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA.

**2:07-CV-984-MHT (WO)**

**MOTION FOR AN EXTENSION OF TIME**  
**AS AN ALTERNATIVE IF THE ADOC FAILED TO**  
**HAVE SENT –TIMELY THE INITIAL FILING FEE, AS**  
**REQUESTED BY PLAINTIFF ON 11-26-07**

COMES NOW Patrick Joseph Charest (hereinafter “CHAREST”) and moves this Court to *GRANT* as an alternative in the likelihood of the foregoing:

§ 1. Charest placed certain, timely requests in the hands of an Alabama Department of Correctional Official, one Captain Patrick Robinson on **November 26<sup>th</sup>, 2007**, with both (i) correct amount of postage and (ii) preaddressed envelopes to this Court, coupled with an attached external “*request for the ADOC to first withdraw the prescribed amount of \$26.76 from the PMOD—as ORDERED by this Court on November 14<sup>th</sup>, 2007.*”

§ 2. Charest gave specific directives albeit pro se, to the ADOC that said ascribed filing fee, was time sensitive, and requested through internal provision for both the fee to be forwarded, along with his motion entitled “*Response / Compliance With November 14<sup>th</sup>, 2007 Order,*” to date Charest has not been told by the ADOC, that it followed said specific mandates thereafter, protecting Charest’s right to freely access this court, now, unbeknownst to Charest, this proceeding is cautiously filed in the absence of that forerunner, in the event the ADOC failed to forward, mail as was timely requested, dated above.

~~forerunner, in the event the ADOC failed to forward, mail as was timely requested, dated above.~~ *PJC*

§ 3. Charest maintains, that the ADOC is severally overcrowded, understaffed, and totally off kilter in their administrative duties owed not only Charest, but per se this Court and the taxpayers of the State of Alabama, thus to avoid a[ny] impropriety –not of his accord giving rise to a dismissal, Charest files this emergency motion only for the absence of the previous requests, made to the ADOC almost a week ago, and acts in good faith should said document, fee not arrive therein “timely, or sufficiently as was requested.”

WHEREFORE PREMISES SHOWN, Charest prays that this Court would summary grant in the alternative, the above, if the ADOC has not already forwarded, both Charest’s partial filing fee, and motion, thus granting an enlargement of such time, thence notify Charest of its absence, or arrival for monitoring, managing said case accordingly, or such other relief it deems sufficient not to cause prejudice to the pleadings at hand.

Done so this November 30<sup>th</sup>. 2007.

Respectfully submitted,

*Patrick Joseph Charest*  
Patrick Joseph Charest #182262

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that I have served a true and correct copy of the foregoing upon Honorable Debra P. Hackett, Clerk of Courts, P.O. Box# 711, Montgomery, Alabama 36104.

Done so this November 30<sup>th</sup>. 2007.

Respectfully submitted,

*Patrick Joseph Charest*  
Patrick Joseph Charest #182262  
Limestone C. F. 28779 Nick Davis Rd.  
Harvest, Alabama 35749-7009

**NOTARY PUBLIC**

**LIMESTONE COUNTY }**

**STATE OF ALABAMA }**

Before me, the undersigned authority did appear one Patrick Joseph Charest #182262 whom did depose; attest under the penalty of perjury the foregoing averments:


§ 1. I have placed this document in the institutional legal mail, under the mailbox rule, timely for filing within this Circuits holding of *Houston v. Lack*, 487 U.S. 266 (1988), *Washington v. United States*; 243 F.3d 1299, 1301 (11<sup>th</sup>.Cir. 2001); *Adams v. United States*, 173 F.3d 1399, 1341, (11<sup>th</sup>.Cir. 1999); *Sanders v. United States*, 113 F.3d 184, 186 n. 2 (11<sup>th</sup>.Cir. 1997); *Garvey v. United States*, 993 F.2d 776, 781 (11<sup>th</sup>.Cir. 1993); *Robinson v. Tanner*, 798 F.2d 1378, 1382 –85 (11<sup>th</sup>.Cir. 1986).

§ 2. I execute this Affidavit with first hand knowledge, information, to the best of ability, requesting for an “*extension of time*” in the alternative that this Circuits’ clerk does not receive Plaintiff Charest’s previous time date “Response / Compliance With November 14<sup>th</sup>. 2007 Order” given over to the prison authorities prior to this pleading, along with his permission, request for the ADOC to have enclosed a money order, check off his PMOD account in the amount of \$26.67 for the initial partial filing fee, in the event it has not been

already filed, submitted by the ADOC –as requested by Plaintiff Charest on November 26<sup>th</sup>, 2007.

§ 3. Affiant sayeth nothing further, but prays for an extension if necessary under the circumstances involved with Plaintiff Charest's previous filed motion, mentioned above.

[ S E A L ]

 Mark Reese  
Notary Public at large, Alabama

9-26-11  
Commission Expires:

  
Affiant Patrick Joseph Charest

Done so this 30 day of Nov, 2007.

This correspondence is forwarded from an Alabama State Prison. The contents have not been evaluated, and the Alabama Department of Corrections is not responsible for the substance or content of the enclosed communication.

2:07 CV-984-MHT (wo)

# Legal Mail

United States District Court  
For the Middle District of Alabama  
Post Office Box 711  
Montgomery, Alabama

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3610-0711